

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Of:

Francis J. Maguire, Jr. : Patent No.: **6,798,443**

Application Serial No.: **09/772,016** : Issue Date: **Sep. 28, 2004**

Filing Date: **January 29, 2001** :

Title: APPARATUS FOR INDUCING ATTITUDINAL HEAD MOVEMENTS
FOR PASSIVE VIRTUAL REALITY

Commissioner of Patents
Mail Stop: Petition
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR APPLICATION
UNDER 35 U.S.C. § 120 (37 C.F.R. § 1.78(a)(3))**

Sir:

Please accept and add the following delayed claim for the benefit of a
prior application under 35 U.S.C. §120 and §119(e) in the above referenced
patent:

I hereby certify that this correspondence is being
transmitted today via the Office electronic filing system
in accordance with Rule 8(a)(1)(i)(C) and Rule 6(a)(4).

/Francis J. Maguire, Jr./ 11/12/2012
Francis J. Maguire, Jr. Date

PETITION REMARKS

As originally and correctly referenced, this application is a continuation-in-part of U.S. patent application Ser. No. 08/794,122, filed Feb. 3, 1997, which is itself a continuation-in-part of U.S. patent application Ser. No. 08/452,510, filed May 30, 1995.

However, Patentee hereby petitions, in accordance with 37 C.F.R. 1.78(a)(3), to accept a corrected claim under 35 U.S.C. 120 to the benefit of prior U.S. Patent Application No. 09/524,491, filed on March 13, 2000 and a corrected claim under 35 U.S.C. 119(e) to the benefit of U.S. Provisional Application No. 60/124,642, filed March 16, 1999. The previous claim was not completely consistent with the form of such a claim set forth in MPEP 201.11 since it inadvertently omitted a precise statement of the relationship, i.e., of also being a “continuation-in-part” of U.S. Patent Application 09/524,491, filed March 13, 2000, not merely claiming “priority” therefrom. As such, a corrected claim should also recite:

This application is also a continuation-in-part of U.S. application Ser. No. 09/524,491, filed Mar. 13, 2000, which claims the benefit of U.S. provisional application 60/124,642, filed Mar. 16, 1999.

A Certificate of Correction is appropriate to add the missing relationship with respect to U.S. Patent Application No. 09/524,491 filed on March 13, 2000 made in column 1, lines 5-16 of this patent in accordance with MPEP § 1481.03 for the following reasons:

(1) All the requirements set forth in 37 C.F.R. § 1.78(a)(1) have been met in this patent,

(2) Priority to U.S. Patent Application No. 09/524,491 filed on March 13, 2000 is appropriate for this patent because: (A) U.S. Patent Application No. 09/524,491 discloses the invention of this patent in the manner provided by the

first paragraph of 35 U.S.C. § 112, (B) this patent was copending with U.S. Patent Application No. 09/524,491, (C) this patent was filed by an inventor (Francis J. Maguire, Jr.) named in U.S. Patent Application No. 09/524,491, and (D) U.S. Patent Application No. 09/524,491 has been accorded a filing date and the basic filing fee has been paid, and

(3) The Certificate of Correction is submitted along with this Petition to Accept an Unintentionally Delayed Claim for the Benefit of a Prior Application under 35 U.S.C. § 120 and 35 U.S.C. § 119(e) and surcharge required by 37 C.F.R. § 1.17(t).

This petition is accompanied by credit card payment as specified during the EBC payment process performed contemporaneously with the filing hereof of the surcharge fee of \$1410.00 set forth in 37 C.F.R. 1.17(t) as required by 37 C.F.R. § 1.78(a)(3)(ii). A total amount of \$1,510.00 is included for the surcharge fee and for the fee for the Request for the Certificate of Correction due to applicant's error.

In accordance with 37 C.F.R. § 1.78(a)(3)(iii), patentee hereby states that the entire delay between the date the claim for priority was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date this claim is filed was unintentional.

Therefore, applicant respectfully requests addition of the corrected benefit claim to prior U.S. Patent Application No. 09/524,491 filed March 13, 2000 and U.S. Provisional Application No. 60/124,642, filed March 16, 1999 in this patent.

Respectfully submitted,

Date: November 12, 2012

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